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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,552	05/26/2006	Beverley Brown	MERCK-3181	5966
23599 7590 02/08/2008 MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			EXAMINER NWAONICHA, CHUKWUMA O	
			ART UNIT 1621	PAPER NUMBER
			MAIL DATE 02/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,552

Applicant(s)

BROWN ET AL.

Examiner

Chukwuma O. Nwaonicha

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-20 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/13/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Current Status

1. This action is responsive to Applicants' amendment of 13 November 2007.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Claims 1-28 are pending in the application.
4. The 103 rejections have been withdrawn following Applicants amendment.
5. The statutory type double patenting rejection under 35 U.S.C. 101 as claiming the same invention as that of claim 11 of the co-pending application 11/671,877 has been withdrawn because application # 11/671,877 does not teach all the claim limitations of the present application. However, applicants have filed a Terminal Disclaimer over 11/671,877 rendering the obviousness type rejection moot.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 2 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application

No. 11/822,594 in view of Brown et al. This is a provisional obviousness-type double patenting rejection.

The presently claimed 2,4-pyrimidinediamine compound is disclosed in U.S. application No. 11/822,594.

Applicants claim a 2,4-pyrimidinediamine compound; wherein all the variables are as defined in the claims while application No. 11/822,594 teaches a 2,4-pyrimidinediamine compound; wherein all the variables are as defined in the claims. See claims 1-31 of copending application No. 11/822,594.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the claims overlaps substantially with the scope of claims 1-31 of copending application No. 11/822,594, and the 2,4-pyrimidinediamine compound of the presently claimed invention encompasses the 2,4-pyrimidinediamine compounds of the copending application No. 11/822,594. They differ in that the 2,4-pyrimidinediamine compounds of the copending application No. 11/822,594 is broader in scope than the 2,4-pyrimidinediamine compound in the presently claimed invention. Specifically, application No. 11/822,594 teaches 2,4-pyrimidinediamine compounds wherein at least one pair of R_2 and R_3 , R_9 and R_{10} of formula 8 in application No. 11/822,594 is cross-bridged with each other to form a C4-C40 saturated or unsaturated ring that is interrupted by an oxygen atom, a sulphur atom or a group shown by formula: $-N(R_a)-$. The difference in the claims is not a patentable distinction because application No. 11/822,594 teach the elements of the claimed invention with sufficient guidance,

particularity, and with a reasonable expectation of success, that the invention would be *prima facie* obvious to one of ordinary skill in the art.

Allowed Claims

Claims 1, 3-28 are allowable over the prior art of record.

Reason For Allowance

The following is a statement of reasons for the indication of allowable subject matter: A search of the prior art failed to uncover any reference that anticipates or renders obvious an organic semiconducting layer formulation with an active ingredient of the general formula I as claimed by applicants; wherein all the variables are as defined in the claims.

The closest prior art is Minakata, {US 7,061,010}. Minakata teaches an organic semiconductor thin film suitably employed in electronics, photonics, bioelectronics, or the like, and a method for forming the same. Minakata teaching relates to a solution for an organic semiconductor used to form the organic semiconductor thin film and an organic semiconductor device using the organic semiconductor thin film.

Minakata teaches the use of a substituted polyacene in its pure, crystalline state in a semiconductor layer while applicants claim a organic semiconducting layer formulation. These are two different inventions, and the differences are not readily apparent and would not have been suggested to one of ordinary skill.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is

Application/Control Number:
10/580,552
Art Unit: 1621

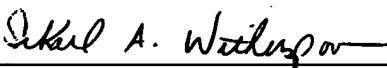
Page 5

571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chukwuma O. Nwaonicha, Ph.D.
Patent Examiner
Art Unit: 1621

(For) 
Yvonne (Bonnie) Eyler
Supervisory Patent Examiner,
Technology Center 1600